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Question of Palestine

Algeria, Comoros, Cuba, Ecuador, Egypt, Guyana, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and Palestine: draft resolution

Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003, 1544 (2004) of 19 May 2004 and 1850 (2008) of 16 December 2008,

Recalling the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Noting with concern that it has been sixty-five years since the adoption of its resolution 181 (II) of 29 November 1947 and forty-five years since the occupation of Palestinian territory, including East Jerusalem, in 1967,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 66/17 of 30 November 2011,[1]

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law and relevant resolutions,

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* Reissued for technical reasons on 30 November 2012.

[1] A/67/364-S/2012/701.

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Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[2] and recalling also its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Stressing that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming the principle of the inadmissibility of the acquisition of territory by war,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem,

Expressing grave concern about the extremely detrimental impact of Israeli settlement policies, decisions and activities in the Occupied Palestinian Territory, including East Jerusalem, including on the contiguity, integrity and viability of the Territory and the efforts to resume and advance the peace process and to achieve peace in the Middle East,

Expressing grave concern also about acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians and properties, including homes, mosques, churches and agricultural lands,

Reaffirming the illegality of Israeli actions aimed at changing the status of Jerusalem, including settlement construction and expansion, home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the Territory as a whole,

Reaffirming also that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Expressing deep concern about the continuing Israeli policy of closures and severe restrictions on the movement of persons and goods, including medical and humanitarian, via the imposition of prolonged closures and severe economic and movement restrictions that in effect amount to a blockade, as well as of checkpoints and a permit regime throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the contiguity of the Territory and the serious socioeconomic and humanitarian situation of the Palestinian people, which is critical in the Gaza Strip, and on the efforts aimed at rehabilitating and developing the damaged Palestinian economy, while taking note of recent developments regarding the situation of access to the Gaza Strip and in the West Bank,

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[2] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[3] and the need for full compliance with the agreements concluded between the two sides,

Recalling also the endorsement by the Security Council, in resolution 1515 (2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict[4] and the call in Council resolution 1850 (2008) for the parties to fulfil their obligations under the road map and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations, and recalling further in this regard the relevant Quartet statements, including that of 23 September 2011,[5]

Stressing the road map obligation upon Israel to freeze settlement activity, including so-called "natural growth", and to dismantle all settlement outposts erected since March 2001,

Recalling the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002,[6]

Expressing support for the agreed principles for bilateral negotiations, as affirmed by the parties in the Israeli-Palestinian Joint Understanding reached at the international conference held in Annapolis, United States of America, on 27 November 2007,[7] aimed at concluding a peace treaty resolving all outstanding issues, including all core issues, without exception, for the achievement of a just, lasting and peaceful settlement of the Israeli-Palestinian conflict and ultimately of the Arab-Israeli conflict as a whole for the realization of a comprehensive peace in the Middle East,

Reiterating support for the convening of an international conference in Moscow, as envisioned by the Security Council in resolution 1850 (2008) and the Quartet statement of 23 September 2011, for the advancement and acceleration of a resumed peace process towards the fulfilment of its stated objectives,

Noting the important contribution to the peace process of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including within the framework of the activities of the Quartet,

Noting also the continuing efforts of the Quartet's Special Representative towards the resumption of the peace process, in particular the efforts to strengthen Palestinian institutions, promote Palestinian economic development and mobilize donor support,

Welcoming the ongoing efforts of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, under the chairmanship of Norway, and noting its recent meeting at United Nations Headquarters on 23 September 2012, at which the donor countries reconfirmed the assessment that the institutions of the Palestinian Authority are above the threshold of a functioning

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[3] See A/48/486-S/26560, annex.

[4] S/2003/529, annex.

[5] Available from www.unsco.org.

[6] A/56/1026-S/2003/932, annex II, resolution 14/221.

[7] Available from http://unispal.un.org.

State in the key sectors studied and reaffirmed the necessity of continued and increased donor support for the Palestinian Authority,

Recognizing the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform and strengthen its damaged institutions, emphasizing the need to preserve and further develop Palestinian institutions and infrastructure and commending, in this regard, the implementation of the Palestinian Authority's August 2009 plan for constructing the institutions of an independent Palestinian State within a twenty-four-month period and the ongoing implementation of its National Development Plan, and the significant achievements made, as confirmed in recent reports by international institutions, including the World Bank, the International Monetary Fund and the United Nations, while also expressing concern about the negative impact of the current financial crisis being faced by the Palestinian Authority,

Welcoming the continued efforts and tangible progress made in the security sector by the Palestinian Authority, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Reiterating its concern over the negative developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the large number of deaths and injuries, mostly among Palestinian civilians, the construction and expansion of settlements and the wall, acts of violence, vandalism and brutality committed against Palestinian civilians by Israeli settlers in the West Bank, the widespread destruction of public and private Palestinian property, including religious sites, and infrastructure, the internal displacement of civilians and the serious deterioration of the socioeconomic and humanitarian conditions of the Palestinian people,

Expressing grave concern, in particular, over the crisis in the Gaza Strip as a result of the continuing prolonged Israeli closures and severe economic and movement restrictions that in effect amount to a blockade and the continuing negative repercussions of the military operations in the Gaza Strip between December 2008 and January 2009, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread damage and destruction to Palestinian homes, properties, vital infrastructure, public institutions, including hospitals and schools, and United Nations facilities, and internal displacement of civilians,

Stressing the need for the full implementation by all parties of Security Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

Expressing concern over continuing military actions in the Occupied Palestinian Territory, including raids and arrest campaigns, and the continued imposition of hundreds of checkpoints and obstacles to movement in and around Palestinian population centres by the Israeli occupying forces, and emphasizing in this regard the need for the implementation by both sides of the Sharm el-Sheikh understandings,

Expressing grave concern about the imprisonment by Israel of thousands of Palestinians, including children, under harsh conditions,

Emphasizing the importance of the safety, protection and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides, including the firing of rockets,

Expressing the hope for speedy progress towards Palestinian reconciliation for the restoration of Palestinian unity, under the leadership of the President of the Palestinian Authority, Mahmoud Abbas, and consistent with Palestine Liberation Organization commitments, and of the situation in the Gaza Strip to that which existed prior to June 2007, and calling for the continuation of the serious efforts being exerted by Egypt, the League of Arab States and other concerned parties towards the achievement of this aim,

Stressing the urgent need for sustained and active international involvement, including by the Quartet, to support both parties in resuming, advancing and accelerating the peace process negotiations for the achievement of a just, lasting and comprehensive peace settlement, on the basis of United Nations resolutions, the road map and the Arab Peace Initiative,

Noting the Quartet's efforts, and calling upon the parties to resume negotiations with the aim of resolving all final status issues within one year and implementing an agreement between the two sides that ends the occupation which began in 1967 and results in the independence of a democratic, contiguous and viable Palestinian State living side by side in peace and security with Israel and its other neighbours,

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011,[8]

Acknowledging the efforts being undertaken by civil society to promote a peaceful settlement of the question of Palestine,

Recalling the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region,[9]

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end, and stresses in this regard the urgency of salvaging the prospects for realizing the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

2. *Also reaffirms* its full support for the Middle East peace process, based on the relevant United Nations resolutions, the terms of reference of the Madrid Conference, including the principle of land for peace, the Arab Peace Initiative

[8] A/66/371-S/2011/592, annex I.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 161; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

adopted by the Council of the League of Arab States at its fourteenth session,[6] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and for the existing agreements between the Israeli and Palestinian sides;

3. *Stresses* the necessity for the establishment of a comprehensive, just and lasting peace in the Middle East, and welcomes in this regard the ongoing efforts of the Quartet and of the League of Arab States;

4. *Encourages* continued serious regional and international efforts to follow up and promote the Arab Peace Initiative, including by the Ministerial Committee formed at the Riyadh summit in March 2007;

5. *Urges* the parties to undertake, with the support of the Quartet and the international community, immediate and concrete steps in follow-up to the Israeli-Palestinian Joint Understanding reached at the international conference held in Annapolis,[7] including through the resumption of active and serious bilateral negotiations;

6. *Calls for*, in this regard, the timely convening of an international conference in Moscow, as envisioned by the Security Council in its resolution 1850 (2008), for the advancement and acceleration of a resumed peace process;

7. *Calls upon* both parties to act on the basis of international law and their previous agreements and obligations, in particular adherence to the road map, irrespective of reciprocity, in order to create the conditions necessary for the resumption and accelerated advancement of negotiations in the near term;

8. *Calls upon* the parties themselves, with the support of the Quartet and other interested parties, to exert all efforts necessary to halt the deterioration of the situation and to reverse all unilateral and unlawful measures taken on the ground since 28 September 2000;

9. *Calls upon* the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity;

10. *Underscores* the need for the parties to take confidence-building measures aimed at improving the situation on the ground, promoting stability and fostering the peace process, including the need for the further release of prisoners following the exchange of prisoners in October and December 2011;

11. *Stresses* the need for the removal of checkpoints and other obstructions to the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

12. *Also stresses* the need for an immediate and complete cessation of all acts of violence, including military attacks, destruction and acts of terror;

13. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

14. *Reiterates* the need for the full implementation by both parties of the Agreement on Movement and Access and of the Agreed Principles for the Rafah Crossing, of 15 November 2005, and the need, specifically, to allow for the sustained

opening of all crossings into and out of the Gaza Strip for humanitarian supplies, movement and access, as well as for commercial flows and all necessary construction materials, which are essential for alleviating the humanitarian crisis, improving the living conditions of the Palestinian people and promoting the recovery of the Palestinian economy;

15. *Stresses*, in this regard, the urgent necessity for the advancement of reconstruction in the Gaza Strip, including through the completion of numerous suspended projects managed by the United Nations and the accelerated implementation of United Nations-led civilian reconstruction activities;

16. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease all of its measures that are contrary to international law and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including via the confiscation and de facto annexation of land, and thus at prejudging the final outcome of peace negotiations;

17. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

18. *Stresses*, in this regard, the need for Israel forthwith to abide by its road map obligation to freeze all settlement activity, including so-called "natural growth", and to dismantle settlement outposts erected since March 2001;

19. *Calls for* the cessation of all provocations, including by Israeli settlers, in East Jerusalem, including in and around religious sites;

20. *Demands*, accordingly, that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[2] and as demanded in General Assembly resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and, inter alia, that it immediately cease its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States Members of the United Nations to comply with their legal obligations, as mentioned in the advisory opinion;

21. *Reaffirms its commitment*, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

22. *Stresses* the need for:

(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem;

(b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State;

23. *Also stresses* the need for a just resolution of the problem of Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948;

24. *Calls upon* the parties to resume and accelerate direct peace negotiations towards the conclusion of a final peaceful settlement on the basis of relevant United Nations resolutions, especially of the Security Council, the terms of reference of the Madrid Conference, the road map and the Arab Peace Initiative;

25. *Urges* Member States to expedite the provision of economic, humanitarian and technical assistance to the Palestinian people and the Palestinian Authority during this critical period in order to help to alleviate the serious humanitarian situation in the Occupied Palestinian Territory, including East Jerusalem, which is critical in the Gaza Strip, to rehabilitate the Palestinian economy and infrastructure and to support the development and strengthening of Palestinian institutions and Palestinian State-building efforts in preparation for independence;

26. *Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixty-eighth session a report on these efforts and on developments on this matter.

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Peaceful settlement of the question of Palestine

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Afghanistan, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam and Burkina Faso

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